

1 THE HONORABLE THOMAS S. ZILLY  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 BUNGIE, INC.,

10 Plaintiff,

11 v.

12 AIMJUNKIES.COM; PHOENIX DIGITAL  
13 GROUP, LLC; DAVID SCHAEFER; JORDAN  
14 GREEN; JEFFREY CONWAY AND JAMES  
15 MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S  
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:  
December 8, 2022

16 At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix  
17 Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively,  
18 “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated  
19 Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal  
20 Exhibits 3 and 4 to the Declaration of William C. Rava in Support of Bungie’s Motion to Dismiss  
21 Phoenix Digital’s and James May’s Amended Counterclaims with Prejudice (“Rava Decl.”), and  
22 the accompanying references to these exhibits and information in Bungie’s Motion to Dismiss  
23 Phoenix Digital’s and James May’s Amended Counterclaims with Prejudice and the Rava  
24 Declaration.  
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PLAINTIFF'S MOT. TO FILE UNDER SEAL  
(No. 2:21-cv-811) – 1

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1       A party may file a document under seal without prior court approval “[i]f the party files a  
 2 motion or stipulated motion to seal the document . . . at the same time the party files the sealed  
 3 document. LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the  
 4 parties met and conferred about the need to file the document under seal, the ability to minimize  
 5 the material filed under seal, and the possibility of explore alternatives to filing under seal. LCR  
 6 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file  
 7 confidential documents it obtained from another party in discovery may file a motion to seal but  
 8 need not provide a specific statement of the applicable legal standard and the reasons for keeping  
 9 a document under seal. LCR 5(g)(3)(B).

10      Here, the exhibits that Bungie intends to file under seal consist of excerpts of deposition  
 11 transcripts from Defendants David Schaefer and James May that were taken in the parallel JAMS  
 12 arbitration proceeding between the same parties, and which were designated as Confidential by  
 13 Defendants. Bungie has an obligation to maintain the confidentiality of this information under the  
 14 Stipulated Protective Order in this case and the virtually identical order in the arbitration  
 15 proceeding.

16      On December 7, 2022, Bungie’s counsel notified counsel for Defendants via email of its  
 17 intent to file Exhibits 3 and 4 to the Rava Declaration in connection with its motion to dismiss,  
 18 including the specific portions of the deposition testimony to be cited, and asked Defendants to  
 19 confirm whether they intended to assert confidentiality over those portions of the transcript.  
 20 Defendants stated that they consider these deposition excerpts Confidential.

21      A proposed order accompanies this motion.

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PLAINTIFF’S MOT. TO FILE UNDER SEAL  
 (No. 2:21-cv-811) –2

1 Dated: December 8, 2022

2 By: /s/William C. Rava

3 William C. Rava, Bar No. 29948  
Christian W. Marcelo, Bar No. 51193  
Jacob P. Dini, Bar No. 54115

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8 *Attorneys for Plaintiff Bungie, Inc.*

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PLAINTIFF'S MOT. TO FILE UNDER SEAL  
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